IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 18174 of 1999

Between:

Shalini Steels Pvt. Ltd., Hyderabad rep. by its

Director Sri S.K. Singhal, s/o K.C.Singhal, r/o. Hyderabad

..... PETITIONER

AND

1)The Transmission Corporation of Andhra Pradesh Ltd.,

Somajiguda, Hyderabad-82, rep. by its Chairman

2)The Chief Engineer (Electricity), A.P.TRANSCO,

Hyderabad zone, Mint compound, saifabad, Hyderabad.

3)The Superintending Engineer (operation), A.P.TRANSCO,

Medak, Sangareddy.

4)The Assistant Divisional Engineer (Operations), A.P.TRANSCO,

Bollaram

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ of mandamus, order or direction declaring clause 22.3.3.4

of A.P. State Electricity Board Terms and Conditions of supply as illegal, arbitrary, and unconstitutional violating Articles 14 and 19(1)(g) of the Constitution of India relating to stipulation of condition of proof of payment of the amount in dispute of back billing for entertainment of the appeal, placing fetters on the right of the appeal as also contrary tko the judgment of the Hon'ble Supreme Court in 4 S.T.C. page 114 and also the Judgments of this Hon'ble Court in 23 STC P 178 and also 29 STC P 328 and consequently direct the second respondent herein to dispose of the appeal no.A28/29 on merits.

Counsel for the Petitioner: MR.M.V.K.MOORTHY

Counsel for the Respondents : SMT.M.VINOBHA DEVI

The Court made the following :

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No. 18174 of 1999

O R D E R :

Heard both sides.

The petitioner seeks to assail the impugned action on the part of the appellate authority in imposing condition in appeal filed by the petitioner before the second respondent for deposit of 50% of the amount in the assessment as against final assessment orders. Though several contentions have been urged in this Writ Petition, however, the fact remains that during pendency of main appeal involving substantial disputed questions, it is not necessary to go into the merits of the same.

It would suffice in the interest of justice to direct the appellate authority to dispose of the appeal at the earliest.

The Writ Petition is disposed of directing the second respondent to dispose of the appeal within a period of four weeks from the date of

receipt of copy of this Order. It is needless to point out that any amount paid in the meanwhile, shall be given credit towards the assessment finally made. No costs.

(B.Prakash Rao,J.)

23.12.2004

DRK

Copy to:

1)The Chairman, Transmission Corporation of Andhra Pradesh Ltd.,

Somajiguda, Hyderabad-82

2)The Chief Engineer (Electricity), A.P.TRANSCO,

Hyderabad zone, Mint compound, saifabad, Hyderabad.

3)The Superintending Engineer (operation), A.P.TRANSCO,

Medak, Sangareddy.

4)The Assistant Divisional Engineer (Operations), A.P.TRANSCO,

Bollaram

5) Two CD copies.